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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/625,008	MORRIS, DAVID DREW	
	<b>Examiner</b>	<b>Art Unit</b>	
	Leo Boutsikaris	2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 1/18/06.
2. ☒ The allowed claim(s) is/are 1-7,9-14,41-53,55-62,64-69,71-85,88-94 and 97-128.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

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| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)</li> <li>3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br/>Paper No./Mail Date <u>1/18/06</u></li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____.</li> <li>7. <input type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____.</li> </ol> |
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## **DETAILED ACTION**

### ***Terminal Disclaimer***

The terminal disclaimer filed on 1/18/2006 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of U.S. Patent No. 6,304,698 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Allowable Subject Matter***

Claims 1-7, 9-14, 41-53, 55-62, 64-69, 71-85, 88-94, 97-128 are allowed.

Claims 1-7, 9-14, 41-53, 55-62, 64-69, 71-85, 88-94, 97-128 are allowable over the prior art of record for at least the reason that even though the prior art discloses flexible cable inserts made from plastic or foil and having a star-type configuration, or flexible textile cable sleeves, the prior art fails to teach or reasonably suggest, regarding claims 1-7, 9, a flexible structure enclosing at least one cable and comprising polyester warp yarns and nylon fill yards disposed within a conduit, regarding claims 10-14, a flexible structure enclosing at least one cable and comprising polyester warp yarns and nylon fill yards disposed within a conduit, with the claimed values for the yarn denier, regarding claims 41-53, 55-62, 64-65, a flexible structure enclosing at least one cable and comprising a single sheet of textile material, with the claimed properties for melting temperature, regarding claims 66-69, 71-80, a flexible insert for cable conduits having polyester warp yarns and with the claimed properties for elongation and longitudinal tensile strength, regarding claims 81-85, 88-89, a method for dividing a conduit into multiple channels

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comprising the step of providing a flexible innerduct structure comprising polyester warp yarns an nylon fill yarns and positioning a cable within the innerduct structure, regarding claims 90-94, 97-108, a method for dividing a conduit comprising the step of providing a flexible innerduct structure made form a single sheet to enclose at least one cable, wherein the innerduct structure comprises weaved yarns, said yearns comprising polyester warp yarns and nylon fill yarns, regarding claims 109-128, a cable receiving assembly comprising a woven innerduct having a single strip of fabric material having monofilament polyester warp yearns running in the longitudinal direction, as set forth by the claimed combination.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Leo Boutsikaris whose telephone number is 571-272-2308.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**LEONIDAS BOUTSIKARIS**  
**PRIMARY EXAMINER**

Leo Boutsikaris, Ph.D., J.D.  
Primary Patent Examiner, AU 2872  
March 18, 2006